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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,267	12/15/2003	James Devin Moncus	658.001	3841

7590 06/21/2004

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EXAMINER

SINGH, SUNIL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,267

Applicant(s)

MONCUS ET AL.

Examiner

Sunil Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 9-11, 19-21, 24 are rejected under 35 U.S.C. 102(b) as being anticipated by McNary et al. (US 3918379).

McNary et al. discloses a motion compensating apparatus for a floating platform on an ocean, wherein a riser extends from the ocean floor through the floating platform, the apparatus comprising: a frame member, a deck slidably (see Fig. 3) attached to said frame member, and wherein said riser extends through said deck; moving means, connected to said frame member and said deck, for moving said frame member relative to said deck. Locking means (see Fig. 2).

3. Claims 1-4, 9-11, 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunsucker or Geijn or Vincken et al. or Elliston or Spink or Petty et al. or Gleditsch (US 2995900, 3421581, 3681928, 4200054, 4362438, 4934870, 6343893)

All the above mentioned references disclose a motion compensating apparatus for a floating platform on an ocean, wherein a riser extends from the ocean floor through the floating platform, the apparatus comprising: a frame member, a deck slidably attached to said frame member, and wherein said riser extends through said deck; moving

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means, connected to said frame member and said deck, for moving said frame member relative to said deck.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-8, 12-18, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNary et al. '379 in view of Bromell et al. or Thory (US Re27261, 5846028).

McNary et al. discloses the invention substantially as claimed. However, McNary et al. lacks the pressurizing means called for in claims 5-8, 12-16. Bromell et al. and Thory both teach the pressurizing means called for in claims 5-8, 12-16. It would have been considered obvious to one of ordinary skill in the art to modify McNary et al. by substituting the pressurizing means as taught by either Bromell et al. or Thory for the pressurizing means disclosed by McNary et al. since this is a matter of design choice.

6. Claims 5-8, 12-16, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunsucker or Geijn or Vincken et al. or Elliston or Spink or Petty et al. or Gleditsch in view of Bromell et al. or Thory (US Re27261, 5846028).

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Hunsucker, Geijn, Vincken et al., Elliston, Spink, Petty et al., Gleditsch all disclose the invention substantially as claimed. However, they all lack the pressurizing means called for in claims 5-8,12-16. Bromell et al. and Thory both teach the pressurizing means called for in claims 5-8,12-16. It would have been considered obvious to one of ordinary skill in the art to modify either Hunsucker or Geijn or Vincken et al. or Elliston or Spink or Petty et al. or Gleditsch by substituting the pressurizing means as taught by either Bromell et al. or Thory for the pressurizing means disclosed Hunsucker or Geijn or Vincken et al. or Elliston or Spink or Petty et al. or Gleditsch since this a matter of design choice.

7. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunsucker or Geijn or Vincken et al. or Elliston or Spink or Petty et al. or Gleditsch in view of Bromell et al. or Thory as applied to claim 16 above, and further in view of Denison et al. or Pollack (US 4557332, 5542783).

All the above mentioned reference once modified disclose the invention substantially as claimed. However, they lack the locking means called for in claims 17-18. Denison and Pollack both teach the locking means called for in claims 17-18. It would have been considered obvious to one of ordinary skill in the art to further modify the all above mentioned reference once modified to include the locking means as taught by either Denison or Pollack since such an arrangement would avoid relative movement between the frame and deck structures.

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8. Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunsucker or Geijn or Vincken et al. or Elliston or Spink or Petty et al. or Gleditsch in view of Denison et al. or Pollack (US 4557332, 5542783).

All the above mentioned references disclose the invention substantially as claimed.

However, they lack the locking means called for in claim 24. Denison and Pollack both teach the locking means called for in claim 24. It would have been considered obvious to one of ordinary skill in the art to modify all above mentioned references to include the locking means as taught by either Denison or Pollack since such an arrangement would avoid relative movement between the frame and deck structures.

Conclusion

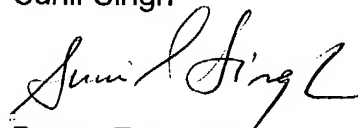
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sunil Singh



Patent Examiner
Art Unit 3673

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6/10/2004